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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/556,242	11/10/2005	Kevin R. Boyle	GB 030076	6713
65913	7550	04/08/2010		
NXP, B.V. NXP INTELLECTUAL PROPERTY & LICENSING M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131			EXAMINER TRINH, TAN H	
			ART UNIT 2618	PAPER NUMBER
			NOTIFICATION DATE 04/08/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 10/556,242	Applicant(s) BOYLE, KEVIN R.
Examiner TAN TRINH	Art Unit 2618

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 March 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____
Claim(s) objected to: 6, 7, 18 and 19.
Claim(s) rejected: 1-5, 8-17 and 20.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/TAN TRINH/
Primary Examiner, Art Unit 2618

Continuation of 11, does NOT place the application in condition for allowance because:

Applicant's argument that there is no suggestion to combine the references (see page 7 of applicant's remarks), the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation to combine applied references are found in the references themselves (i.e., to obtain flexible choices as stated in the "Purpose" section in Kazuyoshi).

Applicant's argument that there is no suggestion to combine the references

However, the examiner does not agree. Since the main reference of Sanford teaches a wireless terminal (601) (fig. 6C) including a substrate (704) having a ground plane (706) thereon (see fig. 6-7A-C, col. 17, lines 8-43), RF antenna components (700) mounted on the substrate and a PIFA (Planar Inverted-F Antenna) (see col. 14, lines 35-42, and col. 15, lines 59-62), having connections electrically (710) coupled to the ground plane (706), and the RF components (710 and 714) characterized in that a notch antenna (701 or 801) (see fig. 7A-C and 8A-D, and col. 4, lines 38-49) is provided in the substrate (704 or 804)) for receiving signals and transmitting signals to configured to selected frequency band (see fig. 6-7 and 10A-C, col. 17, lines 21-36). And

The second reference of Rousu teaches the de-activating an active RF component with switching circuit elements built on planar substrate PIFA (Planar Inverted-F Antenna) and notch passive antenna and the de-activating an active RF component is also in the substrate (see fig. fig. 4A-B, page 1-3, sections [0009-0013] and [0027-0028 and [0037-0038]], since the antennas 16, 18 and strip-lines or (coplanar transmission line) and sw1 and sw2 (de-activating an active RF component) switching circuit elements built on, for instance, a substantially planar substrate, see fig. 4A-B the antenna elements and SW1 and SW2 (de-activating an active RF component) switching circuit elements featuring a dielectric substrate arranged in layer and a shaped conductive trace on the surface of the substrate layer, so that the antennas 26, 18 strip-lines and SW1 and SW2 (de-activating an active RF component) switching circuit elements built on planar substrate.

Rousu teaches also suggested the de-activating an active RF component on the mobile station is provided with two antennas, thereby eliminating the need for the antenna mode selection switch and the ESD protection component and the resulting losses and related thermal and other problems. The undesirable coupling of transmitted energy from one antenna circuit into the other is minimized or reduced by detuning or retuning the non-transmitting antenna circuit such that it no longer has a resonant frequency in the frequency band being transmitted. The detuning or retuning is performed automatically and electronically by any number of techniques, such as by changing the length of a strip line RF element, or by de-activating an active RF component, or by mechanically retuning an external antenna by changing the antenna length. In addition, an internal antenna can be constructed so as to be disconnected when an external antenna is used (see suggested by Rousu on page 1, par [0009-0010]).

Rousu teaches also suggested, It should be realized that the current required to operate the switches shown in FIGS. 4A, 4B and 5 can be routed through another component that is required to be operated at the same time, thereby conserving battery current. And a number of advantages can be realized through the use of these teachings in accordance with the invention. These include the introduction of less loss after the power amplifier, resulting in less current consumption (increased talk and standby times) and reduced heating (increased user comfort and reliability). A further advantage is an improvement in antenna radiation gain, as compared to the use of two feedpoints at same frequency with no tuning (see suggested by Rousu on page 3, par [0034-0035]).

Therefore, the combination of the Sanford and Rousu is are proper.